

# Holland & Knight

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September 21, 2023

**By Electronic Filing**

Michael E. Gans, Clerk of Court  
United States Court of Appeals for the Eighth Circuit  
Thomas F. Eagleton Courthouse  
111 South 10th Street  
St. Louis, Missouri 63102

***Re: No. 23-1021; Don Sanders v. BNSF Railway Company***

Dear Mr. Gans:

Pursuant to the Court's September 8, 2023 notice, counsel for Appellant, BNSF Railway Company, Bryan P Neal, notifies the Court of the following significant conflicts as to the remaining argument calendar dates:

**December 11 – 15, 2023 - St. Louis, Missouri**

**December 11 – 15, 2023 - St. Paul, Minnesota**

**June 10 - 14, 2024 - St. Louis, Missouri**

**June 10 - 14, 2024 - St. Paul, Minnesota**

Counsel respectfully requests that oral argument not be set during those two windows. Thank you for your consideration in this matter.

Respectfully submitted,

/s/

Bryan P. Neal

c: All appearing counsel (by electronic filing)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2023, BNSF Railway Company served this letter to all counsel of record through ECF notification system.

/s/Bryan P. Neal

Bryan P. Neal  
Attorney for Appellant BNSF Railway  
Company

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